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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,868	11/16/2000	James Tuchler	28474/36530	4785
23409	7590	04/06/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/713,868	TUCHLER ET AL. <i>MW</i>	
	<b>Examiner</b>	<b>Art Unit</b>	3624
	JAGDISH PATEL		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

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**DETAILED ACTION**

1. In view of the appeal brief filed on 1/21/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

2. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

**Status of Pending Claims:**

3. Claims 1-27 are pending and have been examined. The pending claims have been rejected on the grounds not necessitated by the previous amendments. Accordingly, this office action is a non-final office action.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft et al. (US Publication No.

2003/0028481, filed June 4, 2001, priority January 22, 1999) (hereafter Flitcroft) and further in view of Tammaro (US Publication No. 2001/0011246) (hereafter Tammaro).

3. Per claim 1, Flitcroft teaches a method for allowing a customer at an online Internet client device to make Internet purchases using a temporary credit card number (abstract, para [0045] ..limited time period), the method comprising:

if the applicant data is verified, opening the credit account and issuing a temporary credit card number..unique among a plurality of currently active temporary card numbers (Flitcroft, [0053], each master card holder could be provided with one or more of the following..additional single use credit card number for remote transactions, it is asserted that verification of the applicant data is necessary in order that only the qualified master credit card applicants at time of application are provided with the one of the indicated plurality of types of temporary credit card numbers 1)-4)as indicated);

allowing a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated (Flitcroft, para [0055] ..a single transaction would a plurality of Internet based purchases, note

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that as disclosed herein the credit card number is deactivated after the single use); and

deactivating the temporary credit card number (Flitcroft, para [0045] ..the limited use credit card number is deactivated upon satisfaction of a limited use condition.. and[055] as discussed previously).

Flitcroft teaches process step of opening the credit account and issuing a temporary credit card number associated with the credit account ([0053) "each master card holder ..provided with one or more of the following..") and subsequently allowing a plurality of Internet based purchases based on the temporary credit card number and subsequently deactivating the temporary credit card number (refer to [0045] and [0055] as discussed in previous limitations).

Flitcroft, however, fails to disclose steps of transmitting electronic credit card application from a server to the client device and (in response to it) receiving credit card application, storing the applicant data and subsequently verifying the applicant data against a verification database.

Tammaro, in the same field of endeavor, however, disclose a method and system for communication of credit card application data over the Internet comprising:

receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet (Tammaro, [0012] gain access to the credit application 18);

transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet (Tammaro, [0012].. the credit

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application 18 is generated in the form of an HTML based web page on the Internet);

receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data (Tammaro, [0016]–[0023] which recites applicant data, ..[0024] recites that the application is received at the Internet server (intermediate server 21));

storing the applicant data in a computer readable memory (Tammaro, [012] database arrangement 22..for transaction record keeping);

verifying the applicant data against a verification database (inherent in the "transaction related response from the finance source provider" described at Tammaro, [0032]);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tammaro with Flitcroft to provide for, in the Flitcroft method, receiving a request to apply for a credit account at a server via the Internet, transmitting data indicative of an electronic credit account application to the client, receiving the credit application at server from the client which includes the applicant data and storing and verifying the applicant data as per disclosure of Tammaro, implementing these steps in Flitcroft would allow processing the application for the credit account and based upon the applicant data, if appropriate open a credit account for the applicant which provides the features having a temporary credit card number associated with the credit account as those enumerated for in para [0058] of Flitcroft.

7. Claims 2: deactivating the temporary card number comprises,

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.. expiring the temporary credit card number in response to a predetermined time period elapsing (Flitcroft para [0045], ..expiration date of the card).

4. Claim 4 and 5: deactivating the temporary credit card number in response to receiving a request for a predetermined web page from the Internet client device (para [0052] the limits that can be placed on the use the single use credit number or multi-use credit card number ..are almost limitless..the use of the credit card number could be limited by ..merchant..(note this implies requesting a specific merchant's web page in context of the Flitcroft method as shown in Fig. 1).

5. Claim 6 and 7: deactivating the temporary credit card number in response to receiving a message indicative of a browser shutdown from the Internet client via the Internet and ..failing to respond to a communication request (para [0052] the limits that can be placed on the use the single use credit number or multi-use credit card number ..are almost limitless..the use of the credit card number could be limited by ..purpose or use (such as limited to Internet trade and so on)).

6. Claim 8: deactivating the temporary credit card number in response to a predetermined dollar amount of purchases being made using the temporary credit card number (para [0052] the limits that can be placed on the use the single use credit number or multi-use credit card number ..are almost limitless..the use of the credit card number could be limited by..amount).

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7. Claim 9: deactivating the temporary credit card number in response to a predetermined number of items being purchased .. (para [0052] the limits that can be placed on the use the single use credit number or multi-use credit card number ..are almost limitless..the use of the credit card number could be limited by..frequency of use..or some combination of these separate criterion).

8. claim 10: deactivating the temporary credit card number in response to a predetermined number of purchase transactions..(para [0056] "..when the aggregate amount of a series of transactions exceeded a specific credit limit that the credit card number would be canceled", note that the predetermined number is defined by the aggregate amount of the transactions, alternatively para [0055] discloses that the temporary credit card number is deactivated after a single use which the predetermined number of transactions).

12. Claim 11: issuing a traditional card in the name of the customer based on the applicant data, the traditional card associated with a traditional card number, the traditional card number being different than the temporary credit card number (Flitcroft para [0024], limited use credit card number associated with the master account number of the customer, since the limited use credit card number is designed for limited use it expires after a predefined limited use see [0045], therefore,

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the master card number (credit card) is distinct from the limited use card number).

9. Claim 12: transferring a balance associated with the temporary credit card number to an account associated with the traditional credit card number [Flitcroft para [0043]-[0045] refer to link of the "master credit card account" to "limited use credit card numbers", refer to [0055] note that the master credit card holder has an additional credit card number allocated to him for a single use, this suggests that the number can be used for a single transaction and that the balance associated with the temporary credit card would be transferred from the master (i.e. traditional) credit card account).

10. Claims 13-23 recite an apparatus for allowing a customer at an online Internet client device to make Internet purchases using a temporary credit card number. The apparatus recites elements necessary to practice method steps of claims 1-12 respectively as analyzed previously. Since, the combination of Flitcroft and Tammaro are Internet based and computerized method as explicitly disclosed in both references, the corresponding apparatus resulting from the combination there from include all elements of respective claims.

It would have been obvious to one of ordinary skill in the art to modify Flitcroft and

11. Claim 24-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Demoff et al. (US Pub. No. 2003/0004879A1, Published 1/2/03, Priority 5/28/99) (hereafter Demoff).

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Claim 24: Demoff teaches an apparatus for allowing a customer at an Internet client device to make Internet based purchases using a temporary credit card number, the apparatus comprising:

A network receiver operatively coupled to the Internet...to receive applicant data and purchase requests (a network service provider..communication with PC customers such as via an Internet server 22, see para [0024]):

A verification module operatively coupled to the network receiver; (administrative and processing subsystem 28, see para [0025])

Verification database in communication with the verification module..;

(para [0025], refer to database 22)

temporary account module in communication with the verification module..;

(para [0026], the customer account in database 28 is subsequently updated to note ..the number assigned);

a temporary account database in communication with the temporary account module (para [0025] subsystem 28 accesses database 28);

the temporary account module being structured to query the temporary account database to issue a temporary credit card number if the applicant data is verified, the temporary credit card number being unique.. (para [0025] refer to unique ID);

a purchase approval module in communication with the network receiver and the temporary account module..(para [0035]-[0037] authorization extends only to the transaction amount..The vendor simply processes the number through a conventional

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verification system like any other credit card number for appropriate authorization).

Claim 25: network transmitter being structured to transmit the temporary credit card number (para [0030]- [0035] inherent because the temporary credit card number is transmitted to the customer via the Internet).

Claim 26: deactivation module being structure to deactivate the temporary credit card number in response to occurrence of a predefined condition (para [0030] ..period of authorization for generated credit transaction number..such as one minute).

12. Per claim 27, Demoff teaches a method for making an in-line purchase which comprises:

accessing a computer...; (para [0024], see Fig. 1 item 20) proceeding to a payment screen,...the screen displaying information to open a credit account (refer to Fig.2-5 "on-line credit request program". initiated from the PC for credit. issuance application as disclosed at para [0029]);  
accessing the information to open the credit account;  
completing an on-line credit account application;  
verifying the application;  
opening the credit account;  
issuing an identification number ..credit account;  
(see para [0030], which states "purchaser..launches the request using the purchase request field", this recitation inherently include "accessing", and "completing" steps, "If the request is approved" imply that the request (or application) is verified and "subsystem 28 responds by sending the temporary credit transaction number" show that the credit account is

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opened and an identification number associated with the credit account is issued.);

entering the identification number for payment (see [0037], ..temporary credit transaction number is ..pasted to the vendors form...").

***Allowable Subject Matter***

13. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is interpreted that expiring the credit card number amounts to the credit card number rendered unusable for any purchase transaction.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. Draft faxes may be submitted directly to the examiner at (703) 746-5563.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

4/5/04

(Primary Examiner, AU 3624)